

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
9:00 A.M., June 8, 2004

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
  - Invocation
  - Pledge of Allegiance
  - Approve the minutes of the previous meeting and the minutes of the special meetings for May 20, 21, and 25, 2004.
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AWARDS AND PRESENTATIONS

- Proclamations
  - Recognition of City Employees-"Shining Stars."
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UNFINISHED BUSINESS

1. Sidewalk Cleaning Assessments.  
(Deferred 05-18-2004)

RECOMMENDED ACTION: Approve the proposed assessments and place the Ordinance on first reading.

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NEW BUSINESS

2. Sidewalk Cafes-Structural Design.

The City Council enacted an ordinance permitting the operation of sidewalk cafes within the City, upon approval of the Public Works Department, on December 11, 2001. An existing ordinance, which governs the design of all premises licensed for sale and consumption of alcoholic liquor, currently requires outdoor portions of licensed premise to be accessible only from an interior entrance, i.e., other than the main entrance to the establishment.

RECOMMENDED ACTION: Enact the ordinance as proposed.

3. Request for Letter of Intent for Health Care Facilities Refunding Revenue Bonds, Integrated Healthcare Systems, Inc. (District VI)

Integrated Healthcare Systems, Inc., is requesting the issuance of an eighteen-month letter of intent for Industrial Revenue Bonds for the benefit of Wichita Clinic P.A. in an amount not-to-exceed \$26,000,000.

RECOMMENDED ACTION: Approve a Letter of Intent to issue Industrial Revenue Bonds to Integrated Healthcare Systems in an amount not-to-exceed \$26,000,000, subject to the Standard Letter of Intent Conditions.

(9:30 a.m. or soon thereafter)

4. Repair or Removal of Dangerous & Unsafe Structures.

On April 20, 2004 a report was submitted with respect to the dangerous and unsafe conditions on four (4) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or soon thereafter on June 8, 2004. Since that time, one property has been demolished.

Property Address:

- a) 2524 East Mossman
- b) 426 North Ash
- c) 420 South Estelle

Council District:

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- I
- I

RECOMMENDED ACTION: Close the public hearing; adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) all taxes have been paid to date, as of June 8, 2004; (2) the structure(s) has/have been secured as June 8, 2004 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of June 8, 2004 and will be so maintained during renovation.

5. Meter Improvements and Automatic Meter Reading Purchase.

Automatic meter reading (AMR) technology is designed to automate the labor-intensive process of reading meters. The cost of the devices is included in the service installation tap fee. AMR replaces what individual meter readers would require hours to accomplish.

RECOMMENDED ACTION: Authorize the expenditure; adopt the resolution and Authorize the necessary signatures.

6. Hoover Court Paving, South of Harry. (District IV)

Hoover Court, south of Harry is unpaved and attempts to obtain a valid paving Petition have not been successful. The owner of 49.8% of the improvement district area has requested that the paving be ordered in. On May 11, 2004, at Council Member Grays' request, the City Council adopted a resolution ordering a June 8, 2004 public hearing on the project.

RECOMMENDED ACTION: Approve the project and adopt the resolution.

7. Petition to Construct a Water Distribution System along Murdock between Arapaho and Eisenhower. (District V)

The signatures on the Petition represent three (3) of seven (7) (42.86%) resident owners and 68.15% of the improvement district. The District V Advisory Board sponsored a neighborhood hearing and the board voted 6-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition and adopt the resolution.

8. Charter Ordinance Amendments-Municipal Court Procedures.

The City of Wichita has used its Home Rule authority to charter out of some provisions of the Municipal Court Procedure Act and to tailor procedures to meet its own local needs.

RECOMMENDED ACTION: Approve first reading of the Charter Ordinance.

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CITY COUNCIL AGENDA

9. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

10. Approval of Travel Expenses for Mayor to Attend League of Municipalities Governing Body Meeting June 10-11, 2004 in Independence, Kansas.

RECOMMENDED ACTION: Approve the expenditures.

11. Appointment of City Manager and Approval of Agreement.

The City Council will consider the appointment of the City Manager and approval of letter employment agreement.

RECOMMENDED ACTION: Make the appointment and approve and authorize the Mayor to sign the letter employment agreement.

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CONSENT AGENDA

12. Reports of the Board of Bids and Contracts Dated June 7, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

13. Application for License for Adult Entertainment Establishments/Services:

New Escort Service

Vicki Maness	Models on Call	535 South Francis
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RECOMMENDED ACTION: Approve license subject to Staff review  
and approval.

14. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
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James Ream	The Chus	5111 West 13th Street
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<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
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David Bullington	Wal-Mart Supercenter #3283	10600 West 21st Street
Mark Branham	QuikTrip #313	3164 South Hillside
Mark Branham	QuikTrip #320	1021 West 31st Street South
Mark Branham	QuikTrip #321	6011 West Central
Mark Branham	QuikTrip #325	1414 North Oliver
Mark Branham	QuikTrip #326	2010 South Broadway
Mark Branham	QuikTrip #328	2801 South Hydraulic
Mark Branham	QuikTrip #329	5602 East Harry
Mark Branham	QuikTrip #343	242 South Tyler
Mark Branham	QuikTrip #345	4020 South Meridian
Mark Branham	QuikTrip #347	1532 South Seneca
Mark Branham	QuikTrip #349	1112 West Douglas
Mark Branham	QuikTrip #353	110 South Rock Road
Mark Branham	QuikTrip #356	4808 South Hydraulic
Mark Branham	QuikTrip #358	7120 West 21st Street North
Mark Branham	QuikTrip #360	3933 West 13th Street
Mark Branham	QuikTrip #366	1620 South Webb Road
Mark Branham	QuikTrip #368	626 West 21st Street North
Mark Branham	QuikTrip #369	3216 East Harry
Mark Branham	QuikTrip #372	3106 East Pawnee
Mark Branham	QuikTrip #373	1610 East Lincoln
Mark Branham	QuikTrip #374	10315 West 13th Street
Mark Branham	QuikTrip #376	2106 South Rock Road
Mark Branham	QuikTrip #378	5611 South Broadway
Mark Branham	QuikTrip #383	11223 East Central
Mark Branham	QuikTrip #384	2510 West Pawnee

(Item 14 continued)

Mark Branham	QuikTrip #386	1010 East Douglas
Mark Branham	QuikTrip #388	7991 East 37th Street North
Mark Branham	QuikTrip #389	4730 East Central
Mark Branham	QuikTrip #391	730 North Broadway

<u>New Establishment</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
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Amy Pham	Dong Thinh Asian Grocery	6310 East Harry
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<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
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Diana Wilson	Tri-Bees Express	1935 West 21st Street
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\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

15. Preliminary Estimates:

- a) Rehab, joint repair and mill & overlay Main Street from Douglas to 3rd and from Central to Murdock; Totally replace Main Street from 3rd to Central - Main Street from Douglas to Murdock. (472-83811/448-89816/706864/634030/203330/773201) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$1,368,801.75
- b) Storm Water Sewer #598 to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (468-83728/751356/485247) Does not affect existing traffic. (District V) - \$230,000.00
- c) 34th Street North from the south line of Lot 1, Block A, east to the south line of Lot 16, Block A; Lang, from Tyler Road east to the north line of Lang Circle; Lake Ridge from the north line of Lang Circle north to the north line of the plat; Lake Ridge Court from Lake Ridge east and south to and including two cul-de-sacs to serve Lots 25 through 57, Block B; Lake Ridge Court from Lake Ridge east to and including the cul-de-sac to serve Lots 58 through 67, Block B; and Lang Circle from Lang east to and including the cul-de-sac; Sidewalk on one side of Lang, 34th Street North, and Lake Ridge to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (472-83878/765839/490950) Does not affect existing traffic. (District V) - \$572,000.00
- d) Water distribution system to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East) (448-89822/735191/470861) Does not affect existing traffic. (District II) - \$65,000.00

RECOMMENDED ACTION: Approve and file.

16. Petitions:

- a) Construct a sanitary sewer main for an area generally bounded by 29<sup>th</sup> Street North, Maize, 37<sup>th</sup> Street North and 119<sup>th</sup> Street West. (District V)
- b) Construct a storm water drain for an unplatted tract located south of 29<sup>th</sup> Street North, west of Maize. (District V)
- c) Construct a storm water sewer in Evergreen and Newmarket Square Additions, north of 21<sup>st</sup> Street, west of Maize. (District V)
- d) Construct a water distribution system for Kiser West Addition, south of 13<sup>th</sup> Street, west of Greenwich. (District II)
- e) Install traffic signals on Woodlawn at the major entrances to Northeast Elementary School and Hinkle's Additions at Woodlawn, south of 29<sup>th</sup> Street North. (District I)
- f) Widen Central Park Street, west of Maize, north of 21<sup>st</sup> Street. (District V)
- g) Sanitary sewer and storm water sewer in Oak Cliff Estates Addition, north of Maple, west of Maize. (District V)
- h) Storm water sewer and water distribution system to serve Avalon Park Addition, north of 37<sup>th</sup> Street North, east of Tyler. (District V)

RECOMMENDED ACTION: Approve the Petitions and adopt the Resolutions.

17. Minutes of Advisory Boards/Commissions:

Housing Advisory Board, February 17, 2004  
Board of Park Commissioners, March 8, 2004  
Wichita Public Library, March 2004  
Board of Electrical Appeals-Office of Central Inspection, March 9, 2004  
Wichita Employees' Retirement System, March 17, 2004  
Police & Fire Retirement System, March 24, 2004  
Board of Code Standards and Appeals, April 5, 2004  
District Advisory Board I, April 5, 2004  
Wichita Airport Advisory Board, April 5, 2004  
District Advisory Board V, April 12, 2004  
Board of Electrical Appeals-Office of Central Inspection, April 13, 2004  
Design council, April 15, 2004  
Wichita Public Library, April 20, 2004

RECOMMENDED ACTION: Receive and file.

18. Consideration of Street Closures/Uses: Sheridan at Second. (District VI)

RECOMMENDED ACTION: Approve street closures/uses.

19. Sale of Surplus Property: Located at 600 West MacArthur. (District IV)

RECOMMENDED ACTION: Approve the Real Estate Purchase Contracts and authorize the necessary signatures.

20. Agreements/Contracts:

- a) Renewal of Air Quality Program Grants Contract.
- b) Local Environmental Protection Program (LEPP) Contract Renewal.
- c) Public Maintenance Program.
- d) HUD Economic Development Initiative Grant.
- e) Contract for development of cost allocation plan.
- f) Service and maintenance on scanners-selection of vendor.
- g) Dispute Resolution Officer Agreement Amendment-Gilbert & Mosley.
- h) Agreement for professional services (Legal)-Gilbert & Mosley Project – supplemental.
- i) Contracts for relocation of Westar Energy electric lines for the East Kellogg Freeway Project. (District II)
- j) Agreement for construction engineering and staking in English Country Gardens Additions, east of Tyler, north of 13<sup>th</sup> Street. (District V) – Supplemental.
- k) Agreement for 13<sup>th</sup> Street Bridge over Cowskin Creek. (District V) – Supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

21. Design Services Agreements:

- a) Improvements to 27<sup>th</sup> Street North from Arkansas to Market. (District VI)
- b) Copper Gate Estates, south of 13<sup>th</sup>, west of 135<sup>th</sup> Street West. (District V)
- c) Steve Kelley Fifth Addition, south of 13<sup>th</sup> Street, east of Hoover. (District VI)
- d) Reed's Cove, Reed Commercial & Reed's Cove Second Additions, south of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East. (District II)

RECOMMENDED ACTION: Approve the Agreement and authorize the necessary signatures.

22. Wichita Animal Shelter.

RECOMMENDED ACTION: Approve the resolution, initiate the project and authorize the selection of a design consultant and authorize the necessary signatures.

23. Renewal of Lease with Indochinese Center. (District I)

RECOMMENDED ACTION: Approve the preparation of a new lease with the same terms and provisions as the previous lease, and authorize the necessary signatures.

24. Marketing of Surplus Parcel near Sewer Plant 2. (District III)

RECOMMENDED ACTION: Declare the property surplus and approve the marketing strategy as described.

25. Sale of Vacant Residential Lots. (District I)

RECOMMENDED ACTION: Approve the real estate purchase contract and Authorize the necessary signatures.

26. Appointment for Loan Committee.

RECOMMENDED ACTION: Approve Orlando Estes to serve on the Loan Committee.

27. Purchase of Server Hardware.

RECOMMENDED ACTION: Approve the expenditure; authorize the transfer of funds and the necessary signatures.

28. Contracts & Agreements-Blanket Purchase Orders Renewal Options-May 2004 and Professional Contracts under \$10,000 Purchase Orders for May 2004.

RECOMMENDED ACTION: Receive and file.

29. Conversion of Firehouse Licenses to Enterprise SQL Edition.

RECOMMENDED ACTION: Authorize the purchase of the software conversion from Visionary Systems.



30. Transfer of Capital Improvement Project Funds.

RECOMMENDED ACTION: Approve the transfer of funds; adopt the resolutions and authorize the necessary signatures.

31. Sale of Vacant Lot at 224 North Green. (District I)

RECOMMENDED ACTION: Approve the Real Estate Purchase Contract and authorize the necessary signatures.

32. Installation of WaterMain-Central from 119<sup>th</sup> West to 135<sup>th</sup> West and 135<sup>th</sup> West from Central to One-Third Mile South of Central. (District V)

RECOMMENDED ACTION: Approve the expenditures; adopt the resolution and authorize the necessary signatures.

33. Installation of Water Main-Pawnee from One-Half Mile East of 119<sup>th</sup> West to 119<sup>th</sup> West. (District IV)

RECOMMENDED ACTION: Approve the project; adopt the resolution and authorize the necessary signatures.

34. 9<sup>th</sup> Street Bridge at the Westlink Ditch, between Maize and Tyler. (District V)

RECOMMENDED ACTION: Approve the project and the design contract; place the Ordinance on first reading and authorize the signing of State/Federal agreements as required.

35. Murdock Bridge over the Little Arkansas River. (District VI)

RECOMMENDED ACTION: Place the amending ordinance on first reading.

36. Purchase Option, Century Manufacturing, Inc. (District II)

RECOMMENDED ACTION: Ratify the bond call; adopt the Resolution approving the Special Warranty Deed, Bill of Sale and the Termination Lease Agreement and authorize the necessary signatures.

37. Redemption of Recreational Facilities Revenue Bonds, YMCA. (Districts I & IV)

RECOMMENDED ACTION: Adopt the Resolution authorizing an early redemption of a portion of the Series 1998 Bonds.

38. Authorization of Sublease-Wesley Retirement Communities, Inc. (District II)

RECOMMENDED ACTION: Approve the Consent Agreement authorizing consent to the sublease of the Larksfield Place to WATC and authorize the necessary signatures.

39. Sidewalk Repair Assessments.

RECOMMENDED ACTION: Approve the proposed assessments and place the Ordinance on first reading.

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

40. \*ZON2004-00016-Zone Change from Single-family Residential to General Commercial. Generally located at the northwest corner of 29<sup>th</sup> Street North and Park Place. (District VI)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve The zone change subject to the provisions of Protective Overlay No. 138; approve first reading of the ordinance Establishing the zone change; or  
2. Return the application to MAPC for reconsideration.

41. \*CUP2003-00048; ZON2003-00044-Create DP-267 Tylers Landing Commercial Community Unit Plan; Zone Change to Limited Commercial. Generally located southeast corner of 37<sup>th</sup> Street North and Tyler Road. (District V)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change and creation of DP-267 C.U.P. subject to platting within one year and the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or  
2. Return the application to the MAPC for reconsideration.

42. \*CUP2003-00065-Associated with ZON2003-00074, Creation of DP-273 Prairie Pond Plaza C.U.P. and Zone Change to Limited Commercial. Generally located at the Northeast Corner of Kellogg and 143<sup>rd</sup> Street East. (District II)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change and creation of DP-273 C.U.P. subject to platting within one year and the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or  
2. Return the application to the MAPC for reconsideration.

43. \*SUB 2003-78-Plat of Hampton Square Addition, located on the Northwest Corner of Maize Road and 37<sup>th</sup> Street North. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the resolutions and approve first reading of the Ordinance.

44. \*SUB 2003-87-Plat of Ralph Reed Addition, located on the Southeast Corner of Harry and Greenwich Road. (District II)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures .

45. \*SUB 2003-111-Plat of My House Addition, South of 55<sup>th</sup> Street South, West of Broadway. (District IV)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the resolutions.

46. \*SUB 2004-12-Plat of West High School Addition, located on the North side of Lincoln, East of Seneca. (District IV)

RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures.

47. \*SUB 2004-28-Plat of Voegeli Third Addition, located South of Central on the West side of Maize Road. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and approve first reading of the Ordinance.

48. \*SUB 2004-34-Plat of The Waterfront Third Addition, located North of 13<sup>th</sup> Street North on the East side of Webb Road. (District II)

RECOMMENDED ACTION: Approve the documents and plat and authorize the necessary signatures.

49. \*SUB 2004-35-Plat of Shady Ridge Addition, located South of Central, East of Ridge. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the resolutions.

50. \*VAC2004-00014-Request to Vacate Platted Utility Easements, Generally located on the Southwest Corner of the Greenwich Road-Harry Street Intersection. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

51. \*VAC2004-00015-Request to Vacate a Portion of a Platted Drainage Easement located Northeast of the 29<sup>th</sup> Street North-Ridge Road Intersection, more specifically North of the 29<sup>th</sup> Street North-North Ridge Port Street Intersection, 3221 North Shore Court. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

52. \*VAC2004-00016-Request to Vacate a portion of Plated Street Right-of-way and Platted Setbacks Generally located Northwest of the Harry Street-127<sup>th</sup> Street East Intersection, more specifically North of the Melody Lane-East Lynne Avenue Intersection. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

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### AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

53. Agreement-Alternative Sources-Janitorial Services.

RECOMMENDED ACTION: Approve the agreement and authorize the necessary signatures.

54. ExpressJet Airlines d/b/a Continental Express-Supplemental Agreement No. 3.

RECOMMENDED ACTION: Approve the Supplemental Agreement and authorize the necessary signatures.

55. Airport Marketing.

RECOMMENDED ACTION: Continue utilizing the services of Sullivan Higdon Sink.

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HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

**Inafay Grays-McClellan, Housing Member is also seated with the City Council.**

56. Grant Application.

RECOMMENDED ACTION: Approve the application; authorize the necessary Signatures; authorize receipt of any funds awarded; and authorize necessary signatures for agreements required by HUD.

Adjournment

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